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MINUTES OF THE COUNCIL AND GENERAL
COURT, 1622-1629

From the Originals in the Library of Congress.

(Continued)

A Court at James Citty. the 15th of Octob: 1627 being present
S^r George Yeardley Kn^t Gouvernor &c.

And all y^e Councell.

Ensigne George Thomson¹ sworne & examined sayth that in May 1626, being in a boate wth M^r Mayhew & Capt Nicolas Martiau at Kecoughtan comeing from aboard a shipp, they fell in talke about y^e two Kings of England & ffrance, & M^r Mayhew sayd that the King of England was King of ffrance & that the King in ffrance was but the ffrence [French] King & then Capt Martiau seemed to be very angry & sayd that if the English-King were King of England, then y^e ffrench-King was King of ffrance: and then y^e said Capt Martiau putting his hand to his brest said, though I am here yet this sparke is in ffrance & will not here the King wronged, wherevppon they y^e said M^r Mayhew & y^e said Capt Martiau grew into such anger as this deponent did thinke they would haue fallen out: And this is all y^t this deponent can say

¹ George Thomson, or Thompson, was one of four brothers, who, at various times, lived in Virginia; Maurice, George, William and Paul. It is probable that a fifth brother, Robert Thompson, was also in the colony. George Thompson, who was born in 1603, returned to England and became a Colonel in the Parliamentary Army during the Civil Wars. See this Magazine I, 188-192.

Captain Nicholas Martiau, or Martian, afterwards of York County, was a Huguenot and had seen the persecution of his co-religionists by the French Government, but evidently his love for France was still strong. He was afterwards a member of the House of Burgesses, a leader in the movement to depose Governor Harvey in 1635 and was an ancestor of Washington.

At this Court the sayd Capt Martiau tooke the oath of Supremacy vppon y^e holy Euangelists.

At this Court there was a controuersie brought in betweene Capt William Peirce & Capt Robt Gire.

And the Question propounded to y^e Court was as followeth viz. Whither by a paire of Indentures bearing date the 25th day of July last past made betweene Capt Peirce² & Capt Gire, the said Capt Peirce bee bound to deliuer vpp vnto y^e said Capt Gire an Inuentorie of his y^e Capt Peirce his whole estate & to take his oath vppon y^e holy Euangelists that y^e said Inuentorie is peremptorily a full entire & perfect Inuentorie of all his whole Estate & goods whatsoever, wth out any mention that it is full & perfect as far as his knowledge and conscience. And y^e maio^r part of y^e Councell viz Capt West, M^r Doctor Pott, Capt Mathewes, Capt Tucker, & M^r ffarrar, were of opinion that Capt Peirce should as aboue said peremptorily deliuer y^e said Inuentory vppon his oath, And on y^e other side the Gouverno^r, Capt Smyth, M^r Persey, & M^r Secretary did iudge it sufficient if Capt Peirce deliuer the said Inuentory vppon his oath to be true & perfect to y^e vtmost of his knowledge: And y^e said Capt Peirce offered to doe y^e same, & then his wife & seruants should likewise take their oath.

After y^e abouesaid iudgm^t & opinion of y^e Court deliuered the said Capt Peirce & Capt Gire did agree in y^e presence of y^e Court as followeth, Viz, That Capt Mathewes in y^e behalfe of Capt Gire & M^r Persey in y^e behalfe of Capt William Peirce shall arbitrate & conclude the controuersy now in question betweene them, & Capt William Tucker to be Vmpire in the same: And y^e said Capt Peirce & Capt Gire doe bind themselves in this Court to stand to y^e arbitrament that shall be made by y^e said Arbitrators & Vmpire, in the full sume of six thowsande pounds of lawfull mony of England to be paid by him w^{ch} shall refuse to stand to y^e arbitram^t vnto y^e other of them.

² Captain William Peirce and Joane his wife were living at Jamestown 1623-4. He was member of the Council 1631-44 and had at least one child, Jane, who was the third wife of John Rolfe.

John Vpton sworne & examined sayth that about this time tweluemonth the M^r Menefy receiueing certaine siluer spoones from Caleb Page this deponents partner left fowre ounces of siluer & 5^s 6^d in y^e hands of y^e said Caleb Page, And y^e said M^r Menefy did often require the said Page to worke it out, but this deponent sayth y^t by reason of his sicknes hee did not, & sayth farther y^t M^r Menefy is yet vnsatisfyed for it. And this deponent further sayth that in y^e time of their Partnership they receiued goods of Menefey betweene them of the w^{ch} the said Page is to pay y^e one halfe w^{ch} is 13^l of Tobacco.

It is ordered that Leften^t Allington Administrato^r to y^e said Caleb Page shall pay to y^e said M^r Menefy the said fowre ounces of siluer & 5^s—6^d of mony, & the said 13^l of Tobacco.

The 14th day of Nouember 1627: being the day after y^e buriall of S^r George Yeardley Kn^t late Gouverno^r, the rest of the Councell met viz.

Capt ffrancis West,
Docto^r Pott,
Capt Smyth,
Capt Mathewes,
M^r Persey,
M^r Claybourne,
Capt Tucker,
M^r ffarrar.

At this time by y^e opinions & voices of y^e Councell Capt: ffrancis West^s, according to the Com'ission of his Most excellent Mai^{tie} directed vnto vs for y^e same purpose was elected & chosen to be the present Gouvernor & Captaine Gennerall of this his Ma^{ties} Colony & Plantation of Virginia in as full & ample manner as by y^e said Com'ission and their election may be deriued vppon him.

^s Francis West, brother of Lord Delaware, who was also Governor of Virginia, was Governor of the Colony Nov. 14, 1627—March 5, 1628. John West, a third brother was also Governor. Capt. Francis West returned to England, where he lived at Winchester and died 1634. For his will see this Magazine XI, 359-360.

[Written in a different hand in the lower left hand corner of this page is the following:] Begin in this Page to finish this Book

A Court at James Citty the 16th of Nouember 1627 [Present]

Capt: ffrancis West Esq^r Gouverno^r &c.

Docto^r Pott

Capt Smyth

Capt Mathewes

M^r Persey

M^r Secretary

Capt Tucker

M^r ffarrar

At this Court the Lady Temperance Yeardley⁴ came & did fully & absolutely confirme as much as in her lay the sale & conueyance made by her late husband S^r George Yeardley Kn^t, late Gouverno^r deceased, vnto M^r Abraham Persey Esq^r for the lands of fflower [Dew] Hundred being one thousand acres, & of Weiano[ke] on y^e opposite side of y^e water being 2200 hun[dred] acres, And y^e said Lady Temperance Yeardley did then alltogether absolutely disclaime . . . vnto y^e said Abraham Persey all the [right] interest & claime in all & euery . . . of y^e said lands to herselfe any . . . & appertaineing either by way Dow[er or] Thirds.

A Court at James Citty the 19th of Nouemb. 1627. present

Capt ffrancis West Esq^r Gouverno^r &c

Docto^r Pott.

Capt Smyth.

M^r Secretary.

John Southerne gent sworne & examined sayth that the eighteenth day of October last past one Benjamin Browne of

⁴ Temperance, wife of Sir George Yeardley, Governor of Virginia, was daughter of Anthony Flowerdew, Esq., of Hethersett, Norfolk, England. She married, secondly, Capt. Francis West, and died soon afterwards. See this Magazine XXV, 207-210, and *Tyler's Quarterly Historical and Genealogical Magazine*, II, 115-129.

Lyme in y^e County of Dorset Marriner being sickly of Body yet in perfect sense & memory, & telling this deponent that he wanted meanes to releiue him self, did make a bargaine & Couenant wth Valentine Oldis, Marchant, in manner & forme following, viz that for & in consideration of y^e sum'e of twenty pounds of lawfull mony of England to be paid by y^e said Valentine Oldis vnto him wthin fowretene dayes next after y^e Arriual of y^e good shipp called y^e . . . at y^e Port of London, whereof his Captaine Arthur Guy [?] for y^e voiadge, he did bargaine & sell & make over vnto y^e said Mr. Oldis all & singular such profitts gaines & benefitt whatsoever as shall any wayes belonge vnto him y^e said Browne for his part & share, for his seruice in y^e said voiadge: And did further couenant & agree that if it should please god to take him the said Browne out of this life before [the ar]rivall of y^e said shipp at y^e Port of London, . . . was y^t the said Valentine Oldis in . . . & frendshipp he had receaued at [his hands shou]ld alsoe receaue the said 20 pounds . . .

[The next three paragraphs are either out of place, or some portion of the original is missing.]

Vnto Mrs Pott, (being speaking of a bote) and [if] it please God, as soone as I am well I will goe to worke for you: And Mistress Pott sayd againe I will helpe you to what timber I can & you shall haue your diet here. And this deponent further sayth that hee heard Mrs. Pott say that it should be such a boate as Mr. Sharples his boate was.

It is ordered that the aboue sayd Will'm Bennet shall build & make such a boate, as Edward Sharples his boate is for Docto^r Pott, & to go aboute the building thereof very speedily, And to be prouided of all timber & such other things as are necessary therevnto.

Richard Cocke, Purser of the shipp the Thomas & John sayth that in the beginning of their voiadge their shipp riding in Catt Water, there did fowre of Mr Sharples his men runne away, then this deponent goeing on shoare told Mr Moore of it, & sayd if you will not supply & prouide fowre men againe, I will: then Mr. Moore sayd that he would doe, and after-

wards Mr. Moore shipped fiue men aboard, And did neuer speak vnto this deponent, whither they should be vppon his owne, or on Mr. Sharples his Acco.

Capt John Hudlestone Sworne & examined sayth that he knew noe other, but that those fiue men were shipped vppon M^r Sharples his Account & not vppon M^r Moores, And that he would not haue receaued them into y^e shipp for any other.

John Woolrich gent sworne & examined sayth that M^r Moore told him that he was but to shipp ten men aboard the shipp.

At this Court Will'm Perry gent deliuered in vppon his oath the Inuentory of ffrancis Weekes his estate.

James Citty the 14th January 1627, being present,

Capt francis West Esq^r Gouverno^r &c.

Docto^r Pott.

Capt Smyth.

M^r Secretary.

Thomas Sawyer^s arrested at y^e suite of Edward Sharples Marchant for 210^l of Tobacco wth allowance of 10^l% [100?] ll. And further at y^e suite of M^r Gill for 479 l. Tobacco.

Jonas Reily & Andrew Reily arrested at M^r Gills suite for 330 l. Tobacco.

Robert Wright arrested at y^e suite of Robert Marshall for 1200 l. Tobacco.

Robert Marshall arrested at y^e suite of Gabriell Holland for 900 l. Tobacco.

^s Thomas Sawyer, aged 23, was in 1624-5, a servant of Peter Langman, at James City. Jonas Rayley lived at Shirley Hundred, Feb. 16, 1623. Robert Wright, aged 45, who came in the *Swan*, 1608, Joane Wright, and two children born in Virginia, were in Anthony Bonall's "Muster" at Elizabeth City, 1624-5. Robert Marshall and his wife, Ann, both of whom came in the *George*, lived on James City Island, 1624-5. Edward Wigg, aged 22, who came in the *Abigail*, 1621, lived at Basse's Choice, 1624-5. George Unwin lived at Hog Island, 1623. Steven Barker lived at Martin's Hundred in 1624-5. George Fryer, who came in the *William & Thomas*, and Ursula his wife, who came in the *London Merchant*, lived at Pash-behayes on the Main, near Jamestown 1624.

Edward Wigg arrested at y^e suite of Edward Sharples for 100 l. of Tobacco.

George Vnwin arrested at y^e suite of Edward Wigg for 230 l. Tobacco.

Steven Barker & Wassell Webling arrested at y^e suite of Edward Sharples for 440 l. Tobacco.

George ffryor arrested at y^e suite of George Saunders for 120 l. Tobacco, to appeare on Monday next, & M^r Docto^r his suerty.

Will^m Baker arrested at y^e suite of y^e Lady Yeardley for 300 l. Tobacco.

Will^m Harman^e, John Vpton, Robert ffitt & Amy Hall had their bonds of their good behauior canceled.

At this Court M^r Thomas Harwood⁷ shewed that hee was much scanted for want of ground to plant at y^e Necke of land, And the Ouerseers & Guardians refused to let him any more, Where vppon the Court gaue leaue vnto him to remoue from thence & to plant elsewhere.

It is ordered that Capt ffellgate⁸ shall forfeit forty waight of Tobacco for that he did not this day appeare at y^e Court, being warned by y^e Prouost Marshall.

A Court at James Citty the 21th of January 1627. p^rsent

Capt ffrancis West Esq^r Gouverno^r &c.

Capt Smyth

M^r Secretary.

⁶ Capt. John Upton, afterwards a prominent man in Isle of Wight County. Robert Fitt, who came in the *George*, and his wife Ann, who came in the *Abigail*, lived on James City Island, 1624-5.

⁷ At the census of 1624-5, Thomas Harwood, who came in the *Margaret & John*, 1622, his wife, Grace, who came in the *George*, and one man-servant, were living at Mulberry Island. This was probably Capt. Thomas Harwood afterwards a large landholder in Warwick County and member of the Council. The Thomas Harwood, of Neck of Land, near Jamestown, seems to have been a different man. See this Magazine II, 183-185.

⁸ Probably Capt. Robert Felgate, afterwards of York County. See this Magazine II, 181-182.

Richard Alford⁹ Com'itted prisoner at y^e suite of M^r Gill for 500 l. [weight of] Tobacco.

Whereas it is credibly reported that Capt John Wilcoxes¹⁰ is lately passed away in goeing ouer the Bay & his estate left vnsettled by that means & being diuersly ingaged vnto Edward Waters gent & others, the Court hath herevppon ordered that a Com'ission of Administration shalbe graunted vnto y^e said Edward Waters vppon y^e said Capt Wilcoxes his estate.

Obediens Robins¹¹, of Accawmacke, Chirurgion, sworne & examined sayth that about October last past he heard Capt Wilcoxes agree wth Walter Scot that he y^e said Walter should haue 3 shares in y^e Croppe, And this deponent further sayth that at y^e same time Capt Wilcoxes profered the said Walter Scot 600 l. of Tobacco for his ouerseeing of y^e men in y^e Croppe besides y^e shares, but y^e said Walter refused the same.

At this Court Richard Richards¹² & Rich: Dolphenby came & did freely & fully surrender & giue vpp all their right tittle & interest in one hundred acres of land belonging & graunted by Patent vnto ffrancis Chapman, planter & scituate nere vnto Paces-Paines, vnto Izabella the wife of Will'm Perry of the same place gent & to hir heires & assignes for euer

John Cooke¹³ Com'itted to p'rison at y^e suite of Lewis Bailly, for [space left here in the original]

⁹ Richard Alford, aged 26, was in Capt. Roger Smith's Muster, "Over the Water", in 1624-5.

¹⁰ Capt. John Wilcox, of Accomac, Va., was formerly of Plymouth, England. His will has been printed in *Waters' Gleanings* and in this Magazine II, 77-78.

¹¹ Obedience Robins was born at Brackley, Northamptonshire, England, April 16, 1600, and was the son of Thomas and Mary (Bulkley) Robins, of that place. He settled in Northampton County, was a Burgess at the sessions of March 1629-30, Jan. 1639, April 1642, Oct. 1644, April 1652, and November 1652, was appointed to the Council 1655, and died in 1662. A genealogy of his descendants was published in the *Richmond Standard*, Sept. 4, 1880 &c.

¹² On Sept. 20, 1628, Mrs. Isabella Perry obtained a new grant for the land here conveyed. For a note on her husband, William Perry, see this Magazine I, 451-452.

¹³ John Cooke, aged 27, was in 1624-5, a servant of Mr. John Burrows, of James City.

Will'm Mills¹⁴ aged 21 yeares or thereabouts borne at Purton in Wiltshire examined sayth that at dieurs times before Christmas last past he this examine stolne from his Master Edward Grindon at dieurs times some Tobacco out of one his tobacco houses & from y^e piles of Tobacco as much as himselfe could carry away vnder his arme, & further hee sayth that about S^t Johns or S^t Steuens day a little before Sun rising he this examine pulled downe three boards being on the side of one of y^e Tobacco houses & nailed at one end, & haueing slipped them downe went in & stole a way his capp full of currants, & carried them vnto John Tios his house, & gaue them vnto him, his wife being by: And this examine further sayth that on Newe Yeeres day in y^e morning this examine as before went into y^e store againe & stole from thence more currants & brought them away in his cloath w^{ch} the sayd John Tios & Jane his wife & Thomas Hall (who all were priuy to y^e stealing of the currants) gaue vnto him this examine to bringe them in, And this examine at the same time alsoe stole 6 p^{re} of shoes & one shirte: And this examine further sayth on Sunday in the Morning being y^e 14th day of this present Month, he this examine went into the store againe and tooke from thence some Currants in a bagg w^{ch} Thomas Hall gaue him some suger in a shirte sleaue w^{ch} the said Jane y^e wife John Tios had giuen him. And this examine further sayth that John Tios did bid him this examine take heed that he was not seene & specially take heed that one Rich: Littlefere should not see him for he was a very Knaue

¹⁴ Edward Grindon, who lived opposite Jamestown, on the south side of the river, was a Burgess in 1623-24. John Tios, or Tyos, lived on the Treasurer's Plantation, as did Thomas Hall. Both had come in the *Bona Nova*, 1620. It would seem, from the purchase of the stolen currants [raisins] and sugar, that Tios and his wife were collecting materials for a Christmas plum pudding.

(To be continued)